

The petition is devoid of facts beyond the names of the parties. It does not indicate whether the claim is against the union as an employer or as the union. From reading the

earlier claims, the dispute is about the union's application of its rules to the hiring-hall process, not its mistreating its employee.

This version does not plead the condition precedent of an administrative claim to the Equal Opportunity Commission. The earlier ones did. Assuming that Powell had been sent a letter from the commission allowing him to sue the union, the time for that opportunity has probably long expired.

In March, Powell's case – where he was granted pauper status – became active, and he sued Local Chapter 24 on the same suspension by the union. (4:09-cv-888; 4:08-mc-616). This one was filed by Powell without the appearance of counsel. The complaint, however, was not written by Powell. Although its type style is different from the other complaints, the language is a lawyer's – essentially a copy of Sekumade's.

Sekumade and Powell will be ordered to appear to explain why the two pending cases should not be dismissed with prejudice and why they should not be sanctioned for incompetent and repetitive litigation for filing the same action three times without rudimentary legal or factual foundation.

Signed on May 28, 2009, at Houston, Texas.

A handwritten signature in black ink, appearing to read 'Lynn N. Hughes', written over a horizontal line.

Lynn N. Hughes
United States District Judge